

Application No. 10/026,351

### REMARKS

Claims 1-12 are pending in this application. Claims 5, 5, 6, 7, 7, 8, 9, and 10 are objected to as being misnumbered and have been renumbered by the Examiner as claims 5-12. Renumbered Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth, et al., (US Patent No. 6,126,328).

With regard to the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Roth, it is respectfully submitted that claim 1 includes features not taught or suggested in any of the cited prior art. Specifically, claim 1 recites "creating at least two free link lists having entries designating available free memory locations" and "splicing available memory locations onto a shortest one of the free link lists." Accordingly, the claim calls for maintaining at least two separate free link lists and then splicing freed-up memory onto a free link list having a least number of free memory locations listed. Nothing in Roth appears to teach or suggest these features. In contrast, Roth merely teaches a single free link list. See, for example, Roth, column 2, lines 4-6, and column 5, lines 50-52. Accordingly, Roth lacks any teaching or suggestion of creating two or more free link lists or splicing memory locations onto a shortest of the free link lists. For these reasons, Roth fails to support a rejection of claim 1 under 35 U.S.C. 102(e) and withdrawal of the rejection is requested.

Claim 2 depends from independent claim 1 and incorporates all the elements of claim 1. As described above with respect to claim 1, Roth is not believed to be a valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 1 and 2. Therefore, claim 2 is submitted to be in condition for allowance.

Claim 3 depends from claims 1 and 2 and incorporates all the elements of these claims. As described above with respect to claim 1, Roth is not believed to be valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 1, 2, and 3. Furthermore, claim 3 recites the step of "splicing [available memory] from the head plus one pointer to the tail pointer of the freed memory

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link list." Nothing in Roth appears to teach or suggest this feature. For the above reasons, claim 3 is submitted to be in condition for allowance.

Claim 4 depends from claims 1, 2, and 3 and incorporates all the elements of these claims. As described above with respect to claim 1, Roth is not believed to be valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 1, 2, 3, and 4. Furthermore, claim 4 recites the step of "simultaneously allocating and freeing memory locations." Nothing in Roth appears to teach or suggest this feature. For the above reasons, claim 4 is submitted to be in condition for allowance.

Claim 5 depends from claims 1, 2, 3, and 4 and incorporates all the elements of these claims. As described above with respect to claim 1, Roth is not believed to be valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 1, 2, 3, 4 and 5. Furthermore, claim 5 recites the step of "setting a tail pointer of a free link list to the head pointer plus one of the freed memory link list." Nothing in Roth appears to teach or suggest this feature. For the above reasons, claim 5 is submitted to be in condition for allowance.

Claim 6 depends from claims 1, 2, and 3 and incorporates all the elements of these claims. As described above with respect to claim 1, Roth is not believed to be valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 1, 2, 3 and 6. Furthermore, claim 6 recites the step of "setting a tail pointer of a free link list to the head pointer plus one of the freed memory link list." Nothing in Roth appears to teach or suggest this feature. For the above reasons, claim 6 is submitted to be in condition for allowance.

Claim 7 depends from claims 1, 2, 3, 4, and 5 and incorporates all the elements of these claims. As described above with respect to claim 1, Roth is not believed to be valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 1, 2, 3, 4, 5 and 7. Therefore, claim 7 is submitted to be in condition for allowance.

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Claim 8 includes features not taught or suggested in any of the cited prior art. Specifically, claim 8 recites "creating at least two free link lists identifying available data storage locations in the memory; reading a head pointer from one of the free link lists to determine a beginning location of a block of data to be stored; and simultaneously allocating data storage at a location of a head pointer of the other of the free link lists." Accordingly, the claim calls for establishing at least two separate free link lists and reading from one link list while simultaneously allocating free memory indicated by the other link list. Nothing in Roth appears to teach or suggest these features. In contrast, Roth merely teaches a single free link list. See, for example, Roth, column 2, lines 4-6, and column 5, lines 50-52. Accordingly, Roth lacks any teaching or suggestion of creating two or more free link lists or simultaneously reading from one link list and allocating memory according to the other link list. For these reasons, Roth fails to support a rejection of claim 8 under 35 U.S.C. 102(e) and withdrawal of the rejection is requested.

Claim 9 depends from independent claim 8 and incorporates all the elements of claim 8. As described above with respect to claim 8, Roth is not believed to be a valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 8 and 9. Furthermore, claim 9 recites the step of "the step of maintaining a plurality of free link lists wherein each list identifies different lists of available memory." Nothing in Roth appears to teach or suggest more than one free link list. Accordingly, Roth fails to teach or suggest the features recited in claim 9. For the above reasons, claim 9 is submitted to be in condition for allowance.

Claim 10 depends from independent claim 8 and incorporates all the elements of claim 8. As described above with respect to claim 8, Roth is not believed to be a valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 8 and 10. Furthermore, claim 10 recites the step of "adding available link lists to a shortest one of the free link lists so as to maintain balance

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between the free link lists." Nothing in Roth appears to teach or suggest more than one free link list. Accordingly, Roth fails to teach or suggest the features recited in claim 10. For the above reasons, claim 10 is submitted to be in condition for allowance.

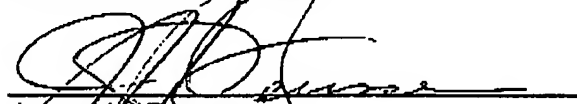
Claim 11 depends from independent claim 8 and incorporates all the elements of claim 8. As described above with respect to claim 8, Roth is not believed to be a valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 8 and 11. Furthermore, claim 11 recites "the plurality of free link lists comprises two free link lists." Nothing in Roth appears to teach or suggest more than one free link list. Accordingly, Roth fails to teach or suggest the features recited in claim 11. For the above reasons, claim 11 is submitted to be in condition for allowance.

Claim 12 depends from independent claim 8 and incorporates all the elements of claim 8. As described above with respect to claim 8, Roth is not believed to be a valid reference. Accordingly, Roth fails to teach or suggest the combination of claims 8 and 12. Furthermore, claim 12 recites the steps of "simultaneously allocating and freeing memory in one memory cycle." Nothing in Roth appears to teach or suggest this feature. For the above reasons, claim 11 is submitted to be in condition for allowance.

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For all the above reasons, applicant submits that the claims are now in proper form and each claim defines patentable subject matter over the cited prior art. Therefore, applicant requests reconsideration of the application and allowance of claims 1-12 in light of the foregoing amendments and remarks.

Respectfully submitted,



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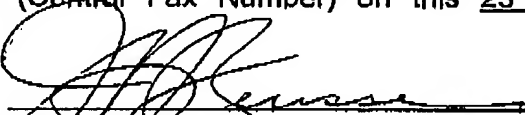
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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY that this Amendment is being FAXED to the U.S. Patent Office at 571-273-8300 (Central Fax Number) on this 23<sup>rd</sup> day of November, 2005.



James H. Beusse